

REMARKS

Status of Claims

Claims 1-21, 30, 31, 33, 35 and 44 were previously cancelled.

Claims 34 and 49-54 are canceled through the above amendment now submitted.

The pending claims are thus 22-29, 32 and 36-48.

Claim 48 was allowed in the June 8, 2010 office action.

Claims 36-43 and 45-47 depending directly or indirectly from claim 48 and should be allowable with claim 48.

Claim 29 is related to claims 36-43 and 45-47.

The remaining claims after those accounted for above are claims 22-28.

It is submitted that claims 22-28 should be allowed (along with claims 48 and 29, 36-43 and 45-47 for the following reasons:

These claim method of treating obstructive lung disease by administering a pharmaceutical composition (medicament) of *Mycobacterium w* selected from the group consisting of (a) heat cultured whole cells, (b) sonicated, (c) certain solvent extracts and (d) certain enzymatic extracts thereof.

The specification has been amended for consistency with the full scope of claims 22-28 without new matter additions.

In the June 8 action it was accepted that there was enabling disclosure for heat killed whole *Mycobacterium w* and sonicated *Mycobacterium w* but not for solvent or enzymatic extracts. This is respectfully traversed.

Such extraction processes for bacteria are known per se and it is not implausible to those skilled in the art that those methods and resultant products as applied to providing a medicament would not be effective against obstructive lung disease where heat killed and sonicated versions of *Mycobacterium w* have been shown effective.

It is therefore submitted that all remaining claims as now presented are in condition for allowance and notice of such is requested for claims 22-29, 32 and 36-47 as well as claim 48 previously allowed.

The Director of the U.S. Patent and Trademarks Office is authorized to charge any deficiencies, or to credit any overpayments, to Deposit Account No. 03-2410; Attorney Docket No.: 43939.

If any further submission by Applicants herein or their response to any questions would be helpful to the Examiner a telephone conference is encouraged.

The following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,
Bakulesh M. Khamar et al, Applicants

Dated: September 7, 2010

/Jerry Cohen/

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Enclosures: Power of Attorney, Certification Statement of Assignee

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